

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Evan Danaher	Team: Team # 5	CCRB Case #: 200605025	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/18/2006 9:10 PM	Location of Incident: § 87(2)(b)	Precinct: 42	18 Mo. SOL 10/18/2007	EO SOL 10/18/2007	
Date/Time CV Reported Wed, 04/19/2006 4:28 AM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Wed, 04/19/2006 4:28 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Timothy Deevy	02807	901426	NARCBBX
2. CPT Lorenzo Johnson	00000	894081	NARCBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Thomas Baldwin	27335	914059	NARCBBX
2. DT3 Ramonita Cardona	90265	902650	NARCBBX
3. DT3 Robert Richardson	03940	913796	NARCBBX

Officer(s)	Allegation	Investigator Recommendation
A.CPT Lorenzo Johnson	Abuse: Capt. Lorenzo Johnson authorized the entry and search of apartment § 87(2)(b) in the Bronx.	§ 87(2)(b)
B.SGT Timothy Deevy	Force: Sgt. Timothy Deevy used physical force against § 87(2)(b)	§ 87(2)(b)

Synopsis

§ 87(2)(b) filed the following complaint in person at the PSA 7 stationhouse on April 19, 2006. On the previous evening, § 87(2)(b) was in the § 87(2)(b) floor hallway of her building, § 87(2)(b) in the Bronx, when she saw numerous plainclothed officers under the overall command of Captain Lorenzo Johnson enter the hallway from the stairwell and make entry into § 87(2)(b) (allegation A). § 87(2)(b) then observed numerous civilians escorted out of the apartment in custody. By this time, several other building residents had gathered in the hallway to observe the proceedings, and an officer, identified via investigation as Sgt. Timothy Deevy, ordered them to leave the floor immediately. Most of the civilians complied and began to walk up the stairs, but § 87(2)(b) waited for the elevator, as she has asthma and did not want to walk up to her § 87(2)(b). Sgt. Deevy again ordered § 87(2)(b) to depart the floor immediately, and an argument ensued. Sgt. Deevy then informed § 87(2)(b) that she was under arrest and placed her in handcuffs. He walked her over to where the suspects from inside the apartment were lined up sitting on the floor and ordered her to sit down. § 87(2)(b) leaned against the wall and began to slide down into a sitting position when Sgt. Deevy kicked her legs out from under her, causing her to fall to the floor and hit her shoulder against the wall (allegation B). § 87(2)(b) and the other prisoners were then taken to the 42nd Precinct stationhouse where she was released with a summons. After her release, § 87(2)(b) sought medical treatment at § 87(2)(b).

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

Statements Made During Medical Examination (encl. 7):

§ 87(2)(b) indicates that § 87(2)(b) was complaining of moderate to severe pain to her right shoulder and upper back stemming from blunt force trauma. The examining EMT did not observe any bruising or swelling to the area at the time of examination.

Upon her arrival at § 87(2)(b), § 87(2)(b)'s complaint remained the same, and it was noted that she was "arrested, handcuffed, and fell, landing on her right shoulder." The preliminary diagnosis is a shoulder sprain and she was advised to keep her arm in a sling. An X-Ray showed her shoulder to be apparently normal, with no fracture or dislocation shown and soft tissues intact. § 87(2)(b) was proscribed ibuprofen and Maalox and was discharged.

IAB Statement (encl. 5)

§ 87(2)(b) filed an in-person complaint at PSA 7 on April 19, 2006. She stated that she was instructed by a plainclothed officer to leave the floor that she was waiting on in § 87(2)(b), but waited by the elevator as she did not want to walk up to the § 87(2)(b) due to her asthma. The officer then took her by her right wrist, put her against a wall, and handcuffed her. The officer then tripped her, causing her to fall backward and injure her right wrist, back, and right shoulder. Lt. Frank Sialiano, the officer who took the report, observed no visible sign of injury to § 87(2)(b).

§ 87(2)(b) a § 87(2)(b)-old Middle-Eastern female, was interviewed at the CCRB on May 8, 2006 (encl. 7).

§ 87(2)(b) stated that on April 18, 2006 around 9:10 PM, she had knocked on the door of a friend's apartment on the § 87(2)(b) floor of her building, § 87(2)(b). Her friend answered and they spoke briefly, § 87(2)(b) remaining in the hallway for the duration of their conversation. After they finished speaking, § 87(2)(b) walked over to the elevator to go up to her own apartment on the § 87(2)(b).

As § 87(2)(b) waited for the elevator, a group of plainclothed officers in raid jackets entered the hallway from the stairway and proceeded to § 87(2)(b) where § 87(2)(b). § 87(2)(b) believed that the officers then broke the door to the apartment in, but she did not see them use a ram or any other tool to do so. Several officers then entered the apartment.

While the raid was underway, approximately 7 or 8 people from the building, including the family members and friends of those who were being arrested, began to gather in the hallway. At first, the officers made no indication that § 87(2)(b) or anyone else had to leave the floor, but a female civilian became highly emotional as she watched the father of her child placed under arrest. In response to that, one officer, identified via investigation as Sgt. Timothy Deevy, approached the crowd and instructed them to disperse. Most of the civilians present immediately began to walk up the stairs, but § 87(2)(b) stood by the elevator and waited for it to come, as she has asthma and did not want to walk up the stairs. Sgt. Deevy then approached § 87(2)(b) and reiterated his instruction to clear the hallway by walking up the stairs with the rest of the crowd. § 87(2)(b) admittedly gave the officer a little “attitude,” and answered that she could not walk up the stairs because of her ailment.

Sgt. Deevy responded “You are trying to be a smart ass” or “smart mouth,” § 87(2)(b) could not recall which term Sgt. Deevy had actually used), “and you are going to go to jail with the rest of them.” At the time, § 87(2)(b) stated her hands were at her side and she did not speak loudly. Sgt. Deevy then grabbed § 87(2)(b) by her wrist, and brought her arm around behind her back and put her against the wall while putting her in handcuffs. § 87(2)(b) complied with this action and said nothing.

Sgt. Deevy escorted § 87(2)(b) to the wall where the eight people who had been in the raided apartment sat, lined up against the wall to the right of the § 87(2)(b) door. Sgt. Deevy instructed § 87(2)(b) to sit down directly next to the door. To do so, she leaned her back against the wall so she could slide down. Sgt. Deevy then swept his foot under her feet and slid them outward, causing her to lose her balance. She then fell as a result and hit her shoulder against the wall and fell hard on her back. Sgt. Deevy told § 87(2)(b) if she kept quiet she would be released with a summons.

§ 87(2)(b) was one of the first people taken into the prisoner van, and Sgt. Deevy remained at the apartment as far as she knew. § 87(2)(b) was then lead out to an unmarked, dark colored prisoner van with the other eight prisoners and driven to the 42nd Precinct. An officer identified via investigation as PO (now detective) Thomas Baldwin drove the van with Det. Ramonita Cardona in the front seat. At the station house, PO Baldwin ran § 87(2)(b)'s name for warrants and then released her after an hour and a half with a summons.

§ 87(2)(b) took a cab home and called 911 to attend to her injuries. Two officers arrived at the hospital, one named as Lt. Frank Saliano. § 87(2)(b) told him what had happened and he took her complaint. § 87(2)(b) received an X-Ray and her arm was placed in a sling. The doctors informed her that she would need a MRI because she had torn muscle in her shoulder.

Results of Investigation

Civilian Statements

§ 87(2)(b) a § 87(2)(b) black female, was interviewed at the CCRB on May 8, 2006 (encl. 8).

§ 87(2)(b) explained that § 87(2)(b) is her daughter's godmother, and they have known each other for 17 years. She stated that on April 18, she was in her apartment on the § 87(2)(b) in the Bronx. A friend came upstairs and informed § 87(2)(b) that the father of her daughter, § 87(2)(b), was being arrested on the § 87(2)(b) floor. § 87(2)(b) went to the § 87(2)(b) to find § 87(2)(b) where she learned that she was in the lobby of the building with § 87(2)(b)'s mother. § 87(2)(b) went down to the lobby to meet them and all three women took the elevator up to the § 87(2)(b) floor.

When the women arrived on the § 87(2)(b) floor, there were about 15 plainclothed officers present serving a warrant they had for § 87(2)(b). Eight people from the apartment had been placed under arrest and other friends and family members from the building were already present on the hall when § 87(2)(b).

and § 87(2)(b) arrived. Many of the people on the hallway were acting emotionally and were making a good deal of commotion. An officer, identified as Sgt. Deevy, told the civilians in the hallway to clear the area.

After Sgt. Deevy gave the instruction, § 87(2)(b) and § 87(2)(b) approached him and requested that they be allowed to collect § 87(2)(b) property before they left the floor. Sgt. Deevy told them no, and again to “please leave the floor.” § 87(2)(b) claimed § 87(2)(b) voice was not raised, but that § 87(2)(b) was being “sarcastic” with Sgt. Deevy. § 87(2)(b) and § 87(2)(b) walked towards the elevator and Sgt. Deevy told them to take the stairs. § 87(2)(b) informed Sgt. Deevy of her asthmatic problems and explained that she was not going to walk up seven flights of stairs. Sgt. Deevy replied, “You are being a smart ass. You’re going with them.” § 87(2)(b)’s tone was normal, and at that point, several other civilian witnesses were still in the hallway. Sgt. Deevy then brought § 87(2)(b)’s arm behind her back and placed her in handcuffs, § 87(2)(b) complying with the officer.

Sgt. Deevy then walked § 87(2)(b) towards the wall where the other eight arrested individuals sat and ordered her to sit down. She replied, “I’m going down” because she was in handcuffs. She put her back up against the wall to slide into the sitting position. Sgt. Deevy then “flipped” § 87(2)(b)’s feet out from beneath her, causing her to fall backwards. § 87(2)(b) fell hard on the ground. She hit her arm against the wall on the way down and fell on her buttocks. At the time, § 87(2)(b) was still by the elevators but had a clear view of § 87(2)(b).

Officer Statements

Sgt. Timothy Deevy

Sgt. Deevy, a § 87(2)(b)-old white male with 14 years on the NYPD, was interviewed at the CCRB on August 23, 2006 (encl. 9).

On April 18, 2006 Sgt. Deevy worked an 8:00PM to 4:00AM shift and was the team leader for a search warrant team. He was plainclothed and using vehicle § 87(2)(b) which is a tan Kia Sedona. Sgt. Deevy had the following relevant memobook entries pertaining to the incident:

8:00PM: present for duty

8:15PM: tac meeting

8:30PM: en route to § 87(2)(b).

8:55PM: entered apartment, 8 under

9:05PM: arrested § 87(2)(b)

10:30PM: apartment secured

11:30PM: at precinct for processing

9:30AM: end of tour

On April 18, 2006, Sgt. Deevy and his team gained entry to § 87(2)(b) by using a ram in order to serve a search warrant. The officers fanned out through the premises and found 8 suspects inside the location, which was dimly lit and packed with furniture and refuse. Given the cramped conditions, Sgt. Deevy decided to bring the suspects into the hallway to be searched and secured rather than keeping them in multiple rooms inside the apartment. Sgt. Deevy and his officers brought the suspects into the hallway and had them sit against the wall, backs against it. After about five minutes, however, about 10-12 other residents of the apartment complex had gathered at the other end of the hallway to observe the proceedings. Most of these civilians were simply watching what was happening, but one young female, § 87(2)(b) became very vocal. § 87(2)(b) began cursing at the officers, asking “Who the fuck are you to arrest them? Why don’t you get the fuck out of here and let these guys go.” § 87(2)(b)’s behavior began to arouse the anger of the other civilians in the hallway who began to voice similar complaints to hers. Her statements also agitated the prisoners that were also present. Sgt. Deevy then approached § 87(2)(b) and asked if she lived in the building. She replied that she did and resided on the § 87(2)(b) floor. Sgt. Deevy then explained to § 87(2)(b) that she was inflaming an already dangerous situation and asked her to go upstairs and calm down. Sgt. Deevy had at this point been joined by his supervisor, Captain Lorenzo Johnson, who also asked § 87(2)(b) to leave the scene. Sgt. Deevy also directed his requests to the rest of the civilians present, asking them to clear the hallway and return to their homes. Most of them complied, but three or four civilians in addition to § 87(2)(b) remained behind. Sgt.

Deevy at one point also called for uniformed backup from the 42nd Precinct should crowd control become a problem. Sgt. Deevy attributed most of this instability to § 87(2)(b)'s behavior.

§ 87(2)(b) repeatedly refused Sgt. Deevy's requests, and maintained her complaints, stating that it was her building and she could stand wherever she liked, now egged on by verbal encouragement from the remaining civilians present. After the third or fourth refusal, Sgt. Deevy verbally informed § 87(2)(b) that she was under arrest. He then took § 87(2)(b) by the wrist and brought her over to the wall and handcuffed her behind her back. § 87(2)(b) provided a small amount of resistance to bringing her hands behind her but Sgt. Deevy was able to restrain her using a minimal amount of force. As soon as the cuffs were on her, § 87(2)(b)'s demeanor changed immediately, she repeatedly apologized for her behavior and promised to leave the scene if she were released. Sgt. Deevy informed her that she was now under arrest and would be going down to the station. After hearing that, § 87(2)(b) immediately went back to being belligerent and combative. Sgt. Deevy then walked her by the arm to where the other prisoners were and instructed her to sit at the end of the row. § 87(2)(b) now standing with her back against the wall, stated "Fuck that, I'll sit when I want to sit." Sgt. Deevy, standing on § 87(2)(b)'s right side, then grabbed her around the right elbow with his hand. He then used his right foot to push her two feet forward and out from under her so that they were no longer supporting her entire weight. He then used his grip on her arm and the fact that some of her weight was being supported by the wall to control her slide down to the ground. At no point was her fall uncontrolled and she landed squarely on her buttocks. Sgt. Deevy also made sure to keep § 87(2)(b)'s back against the wall during the slide to the floor in order to keep her head from hitting it. She did not splay out onto the floor upon impact with the ground.

At no point did § 87(2)(b) complain of asthma or any other medical condition as a reason for her refusal to depart the scene. After being placed on the ground, § 87(2)(b) did not complain of any injuries or discomfort, nor were there any visual indications of trauma.

Later that evening, Sgt. Deevy received a call from a lieutenant at PSA7 who stated that a complaint had been filed stemming from the incident. Sgt. Deevy explained to the lieutenant what had happened, which is how he was identified in the initial report.

§ 87(2)(g)

Detective(then PO) Thomas Baldwin, a § 87(2)(b)-old white male with 14 years on the NYPD, was interviewed at the CCRB on August 23, 2006 (encl. 10). On the evening of April 18, 2006, Detective Baldwin was assigned to a search warrant team and worked an 8:00PM to 4:35AM shift. He was partnered with Detective Cardona and assigned to the entry team and was also the driver of the prisoner van. He did not have his memobook with him at the time of interview.

Det. Ramonita Cardona, a § 87(2)(b)-old Hispanic female with 14, years on the NYPD, was interviewed at the CCRB on October 31, 2006 (encl. 11). On April 18, 2006, Det. Cardona worked an 8:00PM to 4:30AM shift. She was assigned to a search warrant execution team and was assigned to the prisoner van and as a cuff and toss officer during the actual serving of the warrant. She was partnered with Det. Baldwin and was plainclothed. The prisoner van for this operation was unmarked. Det. Cardona did not have her memobook with her on the date of interview.

Det. Robert Richardson, a § 87(2)(b)-old black male with 15 years on the NYPD was interviewed at the CCRB on January 17, 2007 (encl. 12). On April 18, 2006, Det. Richardson worked a 9:00PM-5:30AM shift. He was assigned to the prisoner van, a Dodge Caravan, and hallway security for the execution of a search warrant. He was partnered with Det. Baldwin and was plainclothed. He had the following related entries in his memobook:

2015: Tac meeting

2020- 98 to location

2025- at above

2055- 8 under inside § 87(2)(b)

2105- 1 under in hallway, § 87(2)(b)

Det. Baldwin, Det. Cardona, and Det. Richardson and the rest of the search team gained entry to the target apartment and apprehended 8 suspects. The decision was made to bring the suspects into the hallway to better maintain control over them and facilitate taking down their information, and the prisoners were lead into the hall and sat down against the wall. Det. Cardona only entered the apartment to collect suspects and lead them out only after the all clear had been sounded from inside, while Det. Baldwin and Det. Richardson remained in the hallway for the duration of the incident. Det. Baldwin was assigned the task of taking down the suspects' information on the scene while Det. Richardson was tasked with maintaining security. As the three detectives were performing their tasks, they all recalled hearing a commotion coming from the other end of the hallway. Det. Baldwin described this as "a lot of yelling, primarily female." Det. Cardona and Det. Richardson also described hearing an argument, but did not recall what was being said or who was involved in it. None of these officers actually saw the dispute as it was happening, however. Det. Baldwin ascribed this to the hallway being fairly narrow and crowded with other officers and suspects, and thereby blocking line of sight to the far end of the hallway. The three officers also stated that they were primarily focused on performing their tasks at hand.

After a two or three minutes of continued unrest at the far end of the hallway, Det. Baldwin heard another officer say "Tom, you've got another one," and he looked down the row of prisoners and saw that a handcuffed female, § 87(2)(b) had been sat down at the end of the row. She was at the end opposite of where Det. Baldwin had been standing and he had not seen her being walked over, nor did he see how she was placed on the ground, but she was now sitting there quietly. Both Det. Cardona and Det. Richardson also recalled having § 87(2)(b) being pointed out to them, but neither officer saw her either apprehended or placed on the floor.

When Det. Baldwin finished recording the information on the initial arrestees, he walked over to where § 87(2)(b) was sitting to take her pedigree information. Det. Baldwin described her as "annoyed" at having been arrested, but she did not voice any specific complaints during his brief conversation with her. Det. Baldwin does not recall any particular interaction with any other civilians related to § 87(2)(b)'s arrest. Det. Cardona then helped § 87(2)(b) to her feet and searched her, finding nothing. Det. Cardona recalled § 87(2)(b) as being upset and agitated that she had been arrested, but did not recall her making any specific complaints regarding her treatment or any claim of injury.

The 9 prisoners were then ordered to their feet and were lead out to the waiting prisoner van by Det. Baldwin, Det. Cardona, and Det. Richardson, who did not ride back to the stationhouse in the van. Det. Richardson did not recall § 87(2)(b) making any complaints in the time that he was in proximity to her. Det. Baldwin, accompanied by Det. Cardona, drove the prisoner van to the 42nd precinct stationhouse and took the prisoners into holding. After they had been logged in and secured, Det. Baldwin ran a warrant check on § 87(2)(b) which came up clear. As she qualified for a summons, he issued her one and released her. He recalled § 87(2)(b) as being grateful for the release, thanking him on the way out. Neither Det. Cardona or Det. Baldwin recalled § 87(2)(b) voicing any complaints of injury during either the ride back to the station during the brief time she spent there, nor did either officer recall any visual indication that she had suffered injury from her movements.

Medical Documentation (encl. 13)

After being released from custody, § 87(2)(b) called 911 from home and was transported to § 87(2)(b) via ambulance approximately three hours after the incident. The ACR indicates that § 87(2)(b) was complaining of moderate to severe pain to her right shoulder and upper back stemming from blunt force trauma. The examining EMT did not observe any bruising or swelling to the area at the time of examination.

Upon her arrival at § 87(2)(b), § 87(2)(b)'s complaint remained the same, and it was noted that she was "arrested, handcuffed, and fell, landing on her right shoulder." The preliminary diagnosis is a shoulder sprain and she was advised to keep her arm in a sling. An X-Ray showed her shoulder to be apparently normal, with no fracture or dislocation shown and soft tissues intact. § 87(2)(b) was proscribed ibuprofen and Maalox and was discharged.

Police Documentation

Search Warrant (encl. 14): Det. James Rodenas, under Sgt. Deevy's supervision, secured Bronx County search warrant § 87(2)(b). The warrant was signed by § 87(2)(b).

Search Warrant Pre-Execution Plan (encl. 15): The pre-execution plan shows Capt. Lorenzo Johnson as the overall supervisor of this operation and Lt. Patrick Reynolds as the search supervisor. Sgt. Deevy and Det. James Rodenas are listed as one bunker team, Det. Peter Krupich and Det. Baldwin as the other bunker team. Det. Cardona is assigned to hallway security and Det. Richardson as the walk on officer. Det. Manuel Sanchez was assigned the battering ram and a Det. Hays as the animal security officer.

Search Warrant Post-Execution Documentation (encl. 16): Nine individuals were arrested in this operation and the search of the premises did turn up positive results. Crack pipes with narcotic residue, crack baggies with narcotic residue, an electronic scale, "hundreds of zip-lock baggies for packaging crack" mixing powder, and \$520 were recovered from the location.

Arrest Reports (encl. 17): The following arrest reports for the eight individuals arrested in this operation are currently sealed. However, those of § 87(2)(b), § 87(2)(b), and § 87(2)(b) had previously been printed. The three defendants were charged § 87(2)(a) 160.50.

Summons (encl. 10): Criminal summons § 87(2)(b), written by then-PO Baldwin, indicates that § 87(2)(a) 160.50 signed off on this document.

Notice of Claim

§ 87(2)(b) has not filed a notice of claim with the city Comptroller's office as of February 21, 2007.

Complainant and Officer CCRB History (encl. 2-4)

This is § 87(2)(b)'s first CCRB complaint. Sgt. Deevy has a substantiated CCRB allegation stemming from CCRB case #200310060, in which pepper spray and refusal to provide medical treatment were alleged. Sgt. Deevy received Command Discipline-B as a penalty.

Complainant Criminal Conviction History (encl. 18)

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Conclusions and Recommendations

Officer Identification

Sgt. Deevy admits to apprehending § 87(2)(b) and walking her over to where the other prisoners were seated. Capt. Johnson is listed on the tactical plan for the operation as the overall supervisor and was also named by Sgt. Deevy as the ranking officer on scene.

Undisputed Facts

Officers executed a search warrant at apartment § 87(2)(b) in the Bronx and arrested eight suspects inside the residence. § 87(2)(b) and several other civilians witnessed the raid take place and remained on the floor as the suspects were lead out to be logged. Sgt. Timothy Deevy then ordered the civilian observers to depart the floor immediately via the stairway. § 87(2)(b) remained behind, however, and Sgt. Deevy took her into custody, sitting her next to the suspects who had already been apprehended. § 87(2)(b) was then transported to the 42nd Precinct stationhouse with the rest of the prisoners and was later released with a summons written by PO (now detective) Thomas Baldwin.

Disputed Facts

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that he placed her back first against the wall next to the other prisoners and instructed her to sit, and she attempted to do so by leaning against the wall and sliding down. She stated that Sgt. Deevy then used his own leg to sweep her feet out from under her, causing her to fall freely to the ground and bang her shoulder against the wall in the process. Sgt. Deevy stated that he did sweep § 87(2)(b)'s feet out from under her, but only after she refused to sit down on her own, and that when he did so, he maintained a grip on her arm supporting her weight, so that her descent was controlled at all times. Sgt. Deevy was adamant that § 87(2)(b) never impacted the wall or floor during this maneuver.

Credibility Analysis

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that she had been visiting a friend on the § 87(2)(b) floor of her building when she actually observed the officers arrive on scene and enter the apartment, and she then remained on that floor for the duration of the incident. § 87(2)(b) however, indicated that she received word that the police operation was underway and met § 87(2)(b) on the § 87(2)(b) floor of the building with another woman before heading upstairs together to check on the status of a particular prisoner. § 87(2)(b) also stated that the two women initially approached Sgt. Deevy to ask him a particular question, rather than that he initiating the interaction by ordering the civilians off the floor.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Indeed, he admitted to sweeping § 87(2)(b)'s legs out from under her with his own foot, though he articulated that he maintained a grip on her arm and controlled her descent on the way down. § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

All three officers did, however, indicate that there was some sort of verbal altercation involving other residents of the building in the hallway during the operation.

Allegations Not Pled

§ 87(2)(b) stated that Sgt. Deevy referred to her as being either a “smart ass” or “smart mouth.”

§ 87(2)(g)

Allegation A: Abuse of Authority: Capt. Lorenzo Johnson authorized the entry and search of § 87(2)(b) in the Bronx.

§ 87(2)(g)

Allegation B: Force: Sgt. Timothy Deevy used physical force against § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

She and § 87(2)(b) stated that when Sgt. Deevy swept her legs out, she fell freely, hitting her shoulder against the wall in the process. Sgt. Deevy, however, stated that he maintained a grip on § 87(2)(b)'s arm and lowered her to the ground under his own strength only after she refused to do so herself.

§ 87(2)(b) did seek medical treatment after her release from custody later that evening, § 87(2)(g), § 87(2)(b)

§ 87(2)(b)
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§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: